

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, AUGUST 29, 2002  
8:15 A.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:16 a.m.

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, AUGUST 20, 2002 AND THURSDAY, AUGUST 22, 2002**

**MOTION:** Hudkins moved and Stevens seconded approval of the Staff Meeting minutes of August 20, 2002 and August 22, 2002. Campbell, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Region V Update
- B. Letter from County Attorney Regarding Benefits for Elected Officials
- C. Emergency Management Update

**MOTION:** Campbell moved and Stevens seconded approval of the additions to the agenda. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

**ADDITIONS TO THE AGENDA**

- A. Region V Update

Workman said Doris Karloff, Region V Executive Committee Chair, has responded to the Board's request for an emergency meeting of the Region V Governing Board to address the employment status of Jill Rubottom, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program. He said Karloff has informed him that Rubottom's employment has been extended until October 1, 2002 and said a six month severance package, with benefits, is proposed.

Heier said there is confusion about whether Rubottom is still in charge or whether an Interim Director has been named.

Board consensus was to have Heier, the Board's representative to the Region V Governing Board, convey the Board's concerns regarding Region V leadership and its position that a six month severance package is excessive. A copy of Region V's personnel policies was also requested.

### **3 COMMISSIONER MEETING REPORTS**

#### **A. Budget Monitoring Committee - Campbell, Stevens**

Campbell said an overview of the budget and an explanation of the Board's decision to prepare a budget that includes Budget Solution 3A and a \$0.01 tax increase was provided. The committee will meet in the fall to discuss and recommend areas of possible reduction.

#### **B. Lincoln Convention & Visitors Bureau (CVB) Director Selection Committee - Workman**

Workman said finalists for the position are being interviewed.

#### **C. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Stevens**

Stevens said impact fees were discussed.

Heier said LIBA would like to have input on the Build Through Study and supports a subarea plan for Stevens Creek.

#### **D. Lancaster County Fairgrounds Joint Public Agency - Heier, Workman**

Workman said payment of \$658,000 for principal and interest on the bond was approved.

### **4 JUVENILE DETENTION FACILITY FINAL PAYMENT - Chris Beardslee, Sinclair Hille & Associates Inc.; Bob Bruner, Cheever Construction; Greg Pettibone, Project Manager for the Lancaster County Juvenile Detention Center**

Chris Beardslee, Sinclair Hille & Associates Inc., noted that a request for final payment was submitted four weeks ago and said the Board had indicated outstanding issues: 1) Replacement of dead trees; 2) Completion of lawn seeding; 3) Painting; 4) Bedroom doors and doorstops; 5) Parking lot striping; and 6) Flagpole. He said these items, with the exception of lawn seeding, are being addressed as warranty items by Cheever Construction. Beardslee said a lack of growth in the native and buffalo grasses (warm season grasses) is attributed to the climate conditions and said any inter-seeding should take place in the spring.

Hudkins disagreed and said fall seeding is an accepted practice.

Beardslee recommended that the inter-seeding be treated as a warranty item and that final payment be made.

Hudkins said he believes part of the payment should be withheld until the grasses take hold.

Bob Bruner, Cheever Construction, presented a letter from Nemaha Nursery (Exhibit A) and said moisture conditions will determine how the situation is addressed. He added that inter-seeding will be at the contractor's expense.

Bruner also addressed the remaining issues:

- \* Replacement of dead trees - Warranty period specified in the contract.
- \* Painting - Resolved
- \* Bedroom doors and doorstops - Alternative placement of doorstops is recommended. Contractor will correct.
- \* Parking lot striping - Will be corrected
- \* Flagpole - New truck assembly was received

Hudkins said the final bill should be resubmitted once these items are corrected.

Beardslee said the final payment amount is approximately \$35,000 and said \$12,000 is for the seeding and the remainder is for completed electrical work.

**MOTION:** Campbell moved and Hudkins seconded to schedule a payment of \$20,000 to the General Contractor on the September 3, 2002 County Board of Commissioners Meeting agenda to cover the electrical work. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

## **ADDITIONS TO THE AGENDA**

B. Letter from County Attorney Regarding Benefits for Elected Officials

Kerry Eagan, Chief Administrative Officer, said the County Attorney has declared a conflict of interest in terms of providing legal advice on the issue of benefits for elected officials (Exhibit B).

**MOTION:** Campbell moved and Heier seconded to proceed with elimination of the Post Employment Health Plan (PEHP) contribution for elected officials, for a one year period, to coincide with elimination of the benefit for the MSS Group (Appointed Department Heads, Attorneys, Bailiffs, Psychiatrists, Sheriff's Captains) and Unrepresented Class. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

C. Emergency Management Update

Eagan reported on a severe thunderstorm that struck Lancaster County the previous evening, noting the City of Waverly received substantial hail damage and intends to seek disaster relief.

**5 A) MENTAL HEALTH JAIL DIVERSION GRANT; & B) COMMUNITY MENTAL HEALTH CENTER (CMHC) PARKING LOT REPORT** - Dean Settle, Community Mental Health Center Director; Denise Bulling, Special Projects Coordinator; Mike Thurber, Corrections Director; Don Killeen, County Property Manager

**A) Mental Health Jail Diversion Grant**

Dean Settle, Community Mental Health Center Director, requested authorization to submit an application to the U.S. Department of Health and Human Services for a Substance Abuse and Mental Health Services Administration (SAMHSA) Targeted Capacity Expansion Grant for mental health jail diversion (Exhibit C). The grant is for three years (maximum of \$300,000, per year) and a match of 25% (cash or in-kind) is required. He said there is sufficient in-kind match and no new money will be required.

**MOTION:** Heier moved and Campbell seconded to authorize the Chair to sign the grant application. Campbell, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

The Board requested County Attorney review of the flex fund provision.

**B) Community Mental Health Center (CMHC) Parking Lot Report**

Don Killeen, County Property Manager, noted a request from Bryan/LGH Health System to acquire or continue lease of three parking bays west of the Community Mental Health Center (CMHC).

Settle said the lack of available parking has impacted CMHC services. He recommended that the County reclaim the parking bays and return parking stalls on the east side of the facility to Bryan/LGH Health System.

**MOTION:** Campbell moved and Hudkins seconded to accept the recommendation of the Community Mental Health Center Director and to notify Bryan/LGH Health System that the County is reclaiming its parking bays. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

## **RETURNING TO ITEM 2C**

Doug Ahlberg, Emergency Management Director, appeared and gave an update on the storm damage, noting a County building in Waverly and a Sheriff's cruiser were damaged.

### **6 PENDING LITIGATION** - Diane Staab and Dave Johnson, Deputy County Attorneys

**MOTION:** Campbell moved and Heier seconded to enter Executive Session at 9:34 a.m. for discussion of pending litigation. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

**MOTION:** Hudkins moved and Campbell seconded to exit Executive Session at 9:50 a.m. Campbell, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

### **7 A) CHANGE OF ZONE NO. 208, AGRICULTURAL (AG) TO RESIDENTIAL (R), SOUTH 96<sup>TH</sup> STREET & PANAMA ROAD (W. SCOTT HAYMAN); & B) SPECIAL PERMIT NO. 193 & PRELIMINARY PLAT NO. 02006, LAKEWOOD HILLS, NORTH 84<sup>TH</sup> STREET & AGNEW ROAD** - Mike DeKalb, Interim Planning Director

#### **A) Change of Zone No. 208**

Mike DeKalb, Interim Planning Director, reviewed Change of Zone No. 208, a request for a change from Agricultural (AG) to Residential (R) zoning on property located at South 96<sup>th</sup> Street and Panama Road (Exhibit D), noting a recommendation of approval from staff and the Planning Commission.

#### **B) Special Permit No. 193 & Preliminary Plat No. 02006**

DeKalb reviewed County Special Permit No. 193 and County Preliminary Plat No. 02006, Lakewood Hills, consisting of five single family acreage residential lots and two outlots on property located at North 84<sup>th</sup> Street & Agnew Road (Exhibit E), noting a recommendation of conditional approval from staff and the Planning Commission. He said one unusual aspect of the plan is that the lots will have access off an existing driveway, rather than a public road or private street.

In response to a question from Campbell, DeKalb said there are a couple of options for addressing of the lots.

Workman asked why improvement of the private driveway to provide for two lane traffic is required in light of the County Engineer's statement that it will never be accepted by Lancaster County for maintenance.

DeKalb said it is a safety issue and said the landowners could petition for a public street in the future. He said the wording could be amended to state that it is not the County's intent to accept the driveway for maintenance.

Heier and Hudkins expressed concern about whether the applicant will be able to live with the restrictions of the conservation easements.

Bob Lookabough, applicant, appeared and said it is not his intent to have a conservation easement and suggested a landowner's agreement that will maintain and preserve the ecological and environmental characteristics of the land.

DeKalb said it would require amendment of Condition 1.12. He said if the "rules" change, Lookabough could request an amendment of the special permit to allow additional lots and said the conservation easement should include language to accommodate that.

Lookabough said other items need to be clarified as well, such as the intent to combine Outlot "A" and "B" into one outlot.

In response to a question from Heier, DeKalb said staff believes the application generally meets the goals of the Lincoln and Lancaster County 1994 Comprehensive Plan (report was written before the Lincoln and Lancaster County 2025 Comprehensive Plan was adopted) and said that is part of the justification for creating the lots along a private driveway.

Stevens asked about opposition.

DeKalb said a neighbor to the south opposes the application and has indicated a desire to build a house in the future and not have close neighbors.

Lookabough said the neighbors to the north initially supported the application but are now in opposition.

DeKalb explained that those neighbors may need to enlarge their 1.3 acre parcel in the future to accommodate septic system requirements and said Outlot "A" was originally shown as a parcel for transfer to accommodate that need. It was later determined that the outlot was needed to meet the density requirement. He said rights of access may be a solution to the problem.

Campbell indicated that she will not be present for the public hearing and commended Lookabough for his conservation efforts.

Lookabough thanked her and said the County Board could "ease the burden" for those responding to the "Greenprint Challenge" (integrates existing natural resources, including all public and private conservation land, agricultural land and urban forests as well as historic features and sites) by expanding the number of parcels that can be sold.

**8) SALARIES FOR UNCLASSIFIED, UNREPRESENTED EMPLOYEES** - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager

Georgia Glass, Personnel Director, distributed copies of Directors Salary Information 2002-2003 (Exhibit F).

Campbell said she would prefer to defer the item until the Board has salary recommendations for Attorneys, Sheriff's Captains and Bailiffs.

Gary Lacey, County Attorney, appeared and said the Public Defender has questioned whether the three percent salary increase for attorneys will become part of the Public Defender's and County Attorney's respective budgets and whether the funds could be used to hire an attorney instead. Lacey said he is not seeking to use the funds in this manner.

Lacey also reported that an attorney in his office has asked to go from full-time to part-time employment, with no benefits. He said he would like to accommodate the request and requested authorization to hire a full-time attorney, with benefits, at the starting salary rate to fill the void.

The Board asked Lacey to prepare a cost analysis.

Bill Jarrett, Chief Deputy Sheriff, appeared and said one of his employees has suggested that County employees be afforded the opportunity to take unpaid sabbaticals as a cost savings measure.

Glass cautioned that seniority could be impacted.

Stevens said the impact to overtime costs would also need to be considered.

**9) ACTION ITEMS**

A. County Board Staffing

**MOTION:** Campbell moved and Stevens seconded to hire Vernelle Ellis as a temporary Clerk Typist II in the County Commissioners Office at a rate of 20-25 hours per week and to review the position at the end of the year. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

The Board will send a letter to the Public Building Commission requesting parking for Ellis in close proximity to the County-City Building.

## **ADDITIONS TO THE AGENDA**

- D. Community Mental Health Center Advisory Committee Report
- E. Downtown Lincoln Association (DLA) Meeting Report

**MOTION:** Campbell moved and Heier seconded approval of the additions to the agenda. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

## **ADDITIONS TO THE AGENDA**

- D. Community Mental Health Center Advisory Committee Report

Stevens said the SAMHSA Targeted Capacity Expansion Grant for mental health jail diversion and reduction of psychiatrists' hours were discussed.

- E. Downtown Lincoln Association (DLA) Meeting Report

Stevens said impact fees were discussed and a business plan that addresses all seven elements of infrastructure financing was suggested.

The Board requested a revised copy of the City's impact fee ordinance.

## **10) ADMINISTRATIVE OFFICER REPORT**

- A. Budget Freeze Update & Guidelines

Eagan reviewed a request for an exemption from the budget freeze from Weed Control Authority (equipment and conference) (Exhibit G).

**MOTION:** Campbell moved and Hudkins seconded approval of the request. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

Gwen Thorpe, Deputy Chief Administrative Officer, reviewed Draft Policy for Day-To-Day Expenses During Budget Freeze (Exhibit H).

Don Thomas, County Engineer, appeared and noted that the policy exempts any expenditures related to roads and bridges. He asked for direction on how to make this determination.

Dave Kroeker, Budget and Fiscal Officer, explained that the County Engineer has capitalized infrastructure costs and said the list of items is broader than materials.

Thomas asked whether it is the Board's intent to disallow items that were approved in the budget.

Heier said the Board is looking to delay non-essential purchases.

Thomas said the majority of the budget (capital outlays for grading, bituminous and bridges) is not spent until late in the fiscal year. He said there is a replacement schedule for equipment and said it would be pointless to go through the bidding process if the Board intends to deny the purchase. Thomas also inquired about items related to the Highway Fund, which is funded by the state gas tax.

Bill Jarrett, Chief Deputy Sheriff, appeared and said elected officials should be able to spend their budgets as they deem necessary, being careful not to overspend in any area.

Workman said he supports removing the freeze on capital expenditures, conferences and travel.

Campbell said it will need to be made clear that additional items will not be approved at mid-year and said the message that "every that dollar you save this year will help you next year" also needs to come across.

**MOTION:** Campbell moved and Heier seconded to request a letter to be drafted to the elected officials and department heads eliminating the freeze on capital expenditures and conferences and incorporating the concerns discussed, for the Board's review in one week. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

Eagan said a list of positions not covered by the hiring freeze is also needed.

- B. Proposal from Records & Information Management Regarding Lease of Microfilm Duplicator

Eagan reviewed a proposal from Records & Information Management to have Datastor, a private company, provide labor in the microfilm lab in exchange for use of the microfilm duplicator (hour for hour exchange).

**MOTION:** Campbell moved and Hudkins seconded approval of the request, contingent upon County Attorney approval. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

- C. County Representative for Nebraska Association of County Officials (NACO) Board

The Board scheduled reappointment of Workman to the Nebraska Association of County Officials (NACO) Board on the September 3, 2002 County Board of Commissioners Meeting agenda.

- D. Meeting with Bryan/LGH Health System

Eagan said the Bryan/LGH Health System Board has declined an invitation to meet with Board representatives to discuss the Medicaid rate and the General Assistance (GA) application issues.

E. Procedure for Setting Tax Rate

Eagan explained that a public hearing to set the tax rate for the County and Rural Library is required because the tax rate differs from the previous year's rate.

The Board scheduled the public hearing on the September 10, 2002 County Board of Commissioners Meeting agenda.

F. Correspondence to Unions

Board consensus was to send a letter of response to the Fraternal Order of Police, Lodge 32 (Corrections) indicating acceptance of the union's decision to reject a salary reduction and addressing its concerns.

The Board scheduled an addendum to the contract for Lancaster County Deputy Sheriff's Association Fraternal Order of Police, Lodge 29 on the September 3, 2002 County Board of Commissioners Meeting agenda and directed that a thank you letter be sent to that union.

G. September 11<sup>th</sup> Commemoration

The Board scheduled a resolution commemorating the September 11<sup>th</sup> event and a presentation on homeland defense by Doug Ahlberg, Emergency Management Director, on the September 10, 2002 County Board of Commissioners Meeting agenda.

**11) EMERGENCY ITEMS AND OTHER BUSINESS**

Board consensus was to send Deb Schorr, District 3 Commissioner-Elect, to the Nebraska Association of County Officials (NACO) Southeast District Meeting on September 19, 2002. Schorr will pay the registration fees.

**12) ADJOURNMENT**

**MOTION:** Hudkins moved and Stevens seconded to adjourn the meeting at 11:51 a.m. Stevens, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

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Bruce Medcalf  
County Clerk